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Serial No. 10/064,193

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RD-28,139

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Demuth et al.

Serial No.: 10/064,193

Group Art Unit: 3617

Filed: June 20, 2002

Examiner: McCarry, Jr.

Title: Method And Apparatus For Railcar  
Data Acquisition And Communication

Response to Paper No.:

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 2213-1450

Sir:

Accompanying the Notice of Allowability mailed July 28, 2004, were the Examiner's reasons for allowing the above-identified patent application. Below are Applicant's comments to the Examiner's reasons for allowance.

Reasons for allowance are only warranted in instances in which "the record of the prosecution as a whole does not make clear his or her reasons for allowing a claim or claims" (37 CFR §104e). In the present case, Applicant believes the record as a whole does make the reasons for allowance clear and therefore no statement by the Examiner is necessary or warranted.

Applicant agrees that the claimed invention is allowable over the prior art of record but does not acquiesce with the Examiner's reasons. In particular,

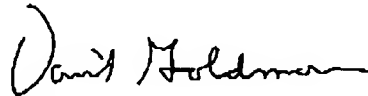
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Applicant believes that the Examiner's reasons for allowance do not properly take into account the Applicant's claimed invention as reflected in the claims, specification and Applicant's responses to the Examiner's office actions. Accordingly, Applicant submits that the Examiner's reasons for allowance are imprecise and have the potential to place unwarranted interpretations upon the claimed invention.

If the Examiner has any questions regarding the present patent application, the Examiner can call Applicant's attorney, David Goldman, at telephone number (518)-387-5927 or (518)-387-5903.

Respectfully submitted,



David C. Goldman

Attorney for Applicant

Registration No. 34,336

Schenectady, New York

Dated: August 6, 2004